

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION**

<i>In re Subpoena Issued to Dave's Redistricting App,</i>	§ §	Misc. No. 2:22-mc-00069-RSL
REPRESENTATIVE JACEY JETTON and ADAM FOLTZ,  <i>Movants,</i>  v.  UNITED STATES OF AMERICA,  <i>Respondent.</i>	§ § § § § § § §	

**DECLARATION OF ADAM FOLTZ**

I, Adam Foltz, having personal knowledge of the facts stated herein, declare as follows:

1. I was employed by the Texas House Redistricting Committee during the second and third called sessions of the 87<sup>th</sup> session of the Texas Legislature. During that time, and in response to the 2020 Census, the Legislature drew new legislative districts for the Congressional, State Senate, State House, and State Board of Education maps. My official duties included drawing draft legislative districts in furtherance of the Legislature's consideration of proposed legislation.

2. Pursuant to my official duties, I utilized Dave's Redistricting app. I possess an account used only in furtherance of my employment by the Texas Legislature.

3. In furtherance of my employment, I used an account of the State of Texas's redistricting application, "RedAppl." I used this account in furtherance of my legislative duties relating to the redistricting process. However, the RedAppl accounts were not ready for use at the beginning of the 2021 Redistricting process.

4. I used Dave's Redistricting App until my RedAppl account was available. I then ceased using Dave's with respect to any Texas redistricting activities.

5. There are no documents or information of mine that are available to Dave's Redistricting app relating to the Texas legislative redistricting that have not already been produced or logged as privileged in response to the subpoena for documents I received from the United States.

6. It is my understanding that the unique account I created on Dave's Redistricting is only accessible to myself. As such, the materials within the account are not public. I created my Dave's account with the understanding that I would be the only person with access to the materials therein.

7. It is my understanding that my personal data and usage data on Dave's Redistricting can be accessed by the company in order to contact me or to maintain the functionality of the website. It is also my understanding that this data is otherwise within my sole possession, custody, and control.

8. I intend for the legislative privilege to be asserted over any content I created or stored on Dave's Redistricting app. Additionally, it is my understanding that I retain ownership rights to any content I create on Dave's Redistricting. The data I created on Dave's Redistricting incorporates my thoughts and impressions on redistricting legislation drafted during the 87<sup>th</sup> Texas Legislature.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Executed on August 11, 2022

/s/ Adam Foltz  
Adam Foltz